

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

DECEMBER 15, 2009

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 22)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 23 - 24)**
- 5. REGULAR AGENDA (Pages 25 - 29)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. [Staff recommends motion to adopt:](#) a Resolution in support of naming U.S. Highway 27 from the State of Florida through the State of Michigan the Purple Heart Highway. **SUMMARY:** The Members of the Military Order of the Purple Heart are coordinating a nationwide effort to establish the Purple Heart Highway by renaming U.S. Highway 27 from its beginning point in South Florida, to its ending in Michigan. Palm Beach County is one of 19 counties that U.S. Highway 27 runs through in the State of Florida. It also runs through seven (7) states. Countywide (ME)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. [Staff recommends motion to approve:](#) Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**
2. [Staff recommends motion to approve:](#) a Joint Participation and Project Funding (Agreement) with the City of Boynton Beach (City) in the amount of \$48,583.20 for utility adjustments on Lawrence Road from South of C. Stanley Weaver Canal to North of C. Stanley Weaver Canal. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the City to jointly participate in the utility relocations to the water distribution system and other improvements along the right-of-way. The City agrees to reimburse the County for the cost of these utility relocations and other improvements. District 3 (MRE)
3. [Staff recommends motion to approve:](#) a County Deed in favor of Lake Worth Drainage District (LWDD) for four (4) parcels identified as 814A, 815A, 816A, and 817A on West Atlantic Avenue at the LWDD L-34 Canal. **SUMMARY:** Approval of this item will allow a County Deed to give clear title to LWDD for property in the L-34 Canal right-of-way. District 5 (PK)
4. [Staff recommends motion to approve:](#)
 - A) a Reimbursement Agreement with New Urban Community Development Corporation and the City of West Palm Beach (City) in an amount not to exceed \$137,358 for The Townhouses at Henrietta; and
 - B) a Budget Transfer of \$137,358 in the Transportation Improvement Fund from Reserves for District 7 to New Urban Community Development Corporation.**SUMMARY:** Approval of the Reimbursement Agreement and Budget Transfer will provide funds to reconstruct roadway, curb and gutters, landscaping, irrigation, drainage, and sidewalks on the corner of Henrietta Avenue and Palm Beach Lakes Boulevard in the City. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to adopt: a Resolution to execute a Maintenance Memorandum of Agreement (MMOA) with Florida Department of Transportation (FDOT) for maintenance of landscaping, irrigation and hardscape on Okeechobee Boulevard (State Road 704) from Florida's Turnpike to Military Trail. **SUMMARY:** FDOT plans to install upgraded landscaping, irrigation and hardscape (Improvements) as elements of their planned roadway resurfacing project on Okeechobee Boulevard from Florida's Turnpike to Military Trail. FDOT requires that the local government enter into a formal MMOA for the maintenance of such planned Improvements as a requirement for those Improvements to be constructed by FDOT with their road project. FDOT is responsible for the installation of the Improvements at a projected cost of \$76,409.94. Adoption of this Resolution will require Palm Beach County to be responsible for the maintenance of the improvements. District 2 (MRE)

6. Staff recommends motion to approve: a Budget Transfer of \$1,207,089 in the Capital Outlay Fund to establish funding for the C-17 Canal Bridges at 45th Street and Northlake Blvd. **SUMMARY:** These two (2) bridges are in need of immediate repair/reconstruction. Approval of this Budget Transfer establishes funding for the repair of bridges at 45th Street and Northlake Boulevard over the C-17 Canal. The funding for this transfer comes from several previously approved projects which have been completed or canceled. Districts 1 & 7 (MRE)

7. Staff recommends motion to adopt: a Resolution approving Amendment Number Two to the County Incentive Grant Program (CIGP) Agreement R2007-0255 with the State of Florida Department of Transportation, in the amount of \$2,850,000 for Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard project. **SUMMARY:** Approval of Amendment Number Two to the CIGP Agreement will grant Palm Beach County an extension to the contract. The original agreement expired on June 30, 2009. Approval of Amendment Number One extended the expiration date to December 31, 2009. Approval of Amendment Number Two will extend the expiration date to June 30, 2010. District 5 (MRE)

8. Staff recommends motion to approve: Amendment Number Two to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for intersection improvements at Blue Heron Boulevard and Congress Avenue. **SUMMARY:** The FDOT and Palm Beach County have partnered together to design additional eastbound and westbound left turn lanes, extend the existing left turn lane and add eastbound and westbound right turn lanes at the intersection of Blue Heron Boulevard and Congress Avenue under a JPA approved on January 25, 2007. Amendment number one was approved on September 23, 2008, which allowed the partial invoicing of design services as they were completed. Approval of this Amendment will extend the expiration date to June 30, 2010. District 7 (MRE)

9. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (R2008-2025) with the City of Delray Beach (City) and Delray Beach Housing Authority (DBHA) approved on November 12, 2008 to reimburse the City in an amount not to exceed \$1,000,000 from the Transportation Improvement Fund Reserves for District 7 for the installation of infrastructure and road improvements on Southwest 12th Avenue. **SUMMARY:** Approval of this amended Interlocal Agreement will transfer the responsibility from the DBHA to the City for improvements to SW12th Avenue at the site of the old Carver Estates property. The funding amount shall remain the same as the R2008-2025 Agreement. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$16,240,619 Revenue Bonds in the form of a Master Lease and Sublease Agreement among Palm Beach County, Banc of America Public Capital Corp and Pine Crest Preparatory School, Inc., as authorized by Resolution R2008-2345 adopted on December 16, 2008. **SUMMARY:** The closing occurred December 17, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract with Governor's Council for Community Health Partnerships, for the period of January 1, 2010, through September 30, 2010, in an amount not-to-exceed \$461,700, for Summer Camp Scholarships. **SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. The Governor's Council for Community Health Partnerships (GCCHP) receives the funding, matched by \$461,700 from Children Services Council in addition to other grants and donations. Combined, these funds result in the ability to provide 2,200 scholarships to Palm Beach County children to attend over 100 camps. GCCHP processes payments to the specific Summer Camp providers based on invoices from Palm Beach County Division of Human Services. GCCHP maintains financial records & reports of payments and receipts for Summer Camp funding. (Human Services) Countywide (TKF)

2. **Staff recommends motion to approve:** Contracts with the following vendors for the period of January 1, 2010, through December 31, 2010, for a total of \$515,825, for services to homeless individuals:

A) Gulfstream Goodwill Industries, Inc. for supportive services in an amount not to exceed \$ 65,600;

B) Gulfstream Goodwill Industries, Inc. for supportive housing in an amount not to exceed \$ 286,225;

C) Oakwood Center of the Palm Beaches for supportive services in an amount not to exceed \$82,000; and

D) Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) for supportive services in an amount not to exceed \$82,000.

SUMMARY: In 2008, HUD awarded the Division of Human Services a one year renewal grant to begin January 1, 2010. The grant will continue funding for 30 Transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., CARP, and Oakwood Center to provide staff for the Homeless Outreach Teams and related support services. Funds for these contracts are comprised of \$442,158 from Housing and Urban Development and \$91,240 in County match for a total of \$533,398. The contracts total \$515,825 and the remaining balance of \$17,573 is for non-contracted funds for administration and bus passes. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

A) ratify the Chairman's signature on:

1) the U.S. Department of Housing and Urban Development (HUD) renewal application for the Supportive Housing Program for the period of January 1, 2011, to December 31, 2011 in the amount of \$ 442,158;

2) the U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care renewal application for the period of May 23, 2010, to May 22, 2011 in the amount of \$197,280;

3) the U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care renewal application for the period of July 20, 2010, to July 19, 2011 in the amount of \$223,584; and

B) delegate authority to the County Administrator, or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program and Shelter Plus Care grant agreements.

SUMMARY: The Supportive Housing Program will continue funding 30 transitional housing beds and supportive services, including specialized Case Management for the Homeless Outreach Teams. A cash match is required (20% Supportive Services-\$46,940 and 25% Operating-\$44,300) in the amount of \$91,240. This match will be budgeted in the FY 2011 budget process. The first Shelter Plus Care Renewal Grant provides Sponsor Based Rental assistance for 15 disabled individuals. The second Shelter Plus Care Grant provides Sponsor Based Rental Assistance to 17 disabled individuals. There is no cash match requirement for either grant but an in-kind match is provided by the partner agency in the form of supportive services. (Human Services) Countywide (TKF)

4. Staff recommends motion to approve: Contract for Consulting/Professional Services with Invo Healthcare Associates, Inc. for the period of December 15, 2009, through September 30, 2010, in an amount of \$5,000, for speech and language services to Head Start children. **SUMMARY:** Invo Healthcare Associates, Inc. will provide speech/language therapy by appropriate licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consist of \$4,000 (80%) in Federal funds and \$1,000 (20%) in County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Head Start Contracted Services Expansion Agreement with Community Child Care Center of Delray Beach, Inc. d/b/a Achievement Centers for Children & Families, for the period of October 1, 2009, through September 30, 2010, in an amount of \$188,699, for services to Head Start children and families. **SUMMARY:** Head Start has received monies through the American Recovery and Reinvestment Act (ARRA) Head Start Expansion Grant (R2009-2014). These monies will be used to provide Head Start services to children 3 and 4 years old. Community Child Care Center of Delray Beach, Inc. will provide services to 37 children for 208 days at a rate of \$22.57 per child/per day, equaling \$173,699, with an additional \$15,000 for start-up expenses. Funding consists of \$153,959 in Federal funds and \$34,740 in County required match funding. (Head Start) Countywide (TKF)

6. Staff recommends motion to approve:

A) Collaborative Partnership Agreement with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. (AAA) effective November 1, 2009, with no expiration date to provide volunteers for in-home respite services; and

B) Budget Transfer of \$80,000 in the DOSS Administration Fund.

SUMMARY: The purpose of this collaborative partnership is to recruit, train, and place volunteers, age 50 and older, for in-home respite services to frail seniors and their caregivers. AAA will provide in-kind services such as recruiting and training for volunteers who will provide quality in-home respite care to underserved seniors enabling them to remain self-sufficient in the community. The volunteers will work approximately 20 hours per week and will be paid a stipend of \$100 per month to assist with personal expenses including transportation costs, and meals. This program will provide a cost-effective, innovative approach to serve more individuals with the same amount of funds. The additional individuals to be served are frail elders who would otherwise be on a wait list for services. The funds to be applied to this program are being transferred from a budget established to pay private vendors to perform the in-home services. Trained volunteers can provide the same services at a greatly reduced cost. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to receive and file: eight (8) original Agreements for the Department of Airports:

A) Hangar Lease Agreement with Aero Lease of South Florida, Inc., Unit 9, Building 11300, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on October 9, 2009 (AH);

B) Hangar Lease Agreement with Blue Eagle Air, LLC, Unit 11, Building 11300, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on October 1, 2009 (AH);

C) Hangar Lease Agreement with James Gray, Unit 20, Building 11300, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on November 1, 2009 (AH);

D) Hangar Lease Agreement with R. J. Mehnert, Unit 14, Building 11720, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on October 1, 2009 (AH);

E) Agreement to Terminate Hangar Lease Agreement with Paul Boritzer, Unit 7, Building 11730 at North County Airport, terminating R2007-1293 on October 31, 2009 (AH);

F) Agreement to Terminate Hangar Lease Agreement with Wilson and Wilson International, LLC, Unit 14, Building 11230 at North County Airport, terminating R2005-0939 on November 30, 2009 (AH);

G) General Aeronautical Services Agreement with Baggage Airline Guest Services, Inc., commencing November 16, 2009, terminating September 30, 2010, automatically extended on a year-to-year basis (10/1 through 9/30) (AH); and

H) Consent to Sublease for 1st Amendment to the Sublease Agreement (R2007-0639) between United Air Lines, Inc. and Spirit Airlines, Inc., approved November 12, 2009 (JB).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801, R94-1453, R2004-1367 and R2008-1845. Countywide

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 10-023 with Holt Contractors, Inc., (R2007-0947) in the amount of \$295,960.41 to provide modifications to the third floor of the Palm Beach County Sheriff's Office (PBSO) Administration Building. **SUMMARY:** The work consists of interior modifications to existing space to accommodate a new command center, conference room, and Department of Homeland Security (DHS) secure room built to DHS specifications. The work will include new walls and doors, electrical modifications, new flooring, painting, sound proofing, recessed ceilings, card access, and fire sprinkler modifications/relocation to accommodate the proposed design. Project is being funded 100% by PBSO. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100%. The total construction duration is 120 days. Holt Contractors, Inc. is a Palm Beach County company. (FD&O Admin) Countywide/District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** an annual Contract with Knight Electric Co., Inc., to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The contract provides for up to four (4) – one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders. The Small Business Enterprise (SBE) goal is 15%, and will be tracked cumulatively for each work order issued. Knight Electric Co., Inc. is a certified SBE Contractor and is a Palm Beach County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)

3. **Staff recommends motion to approve:** Change Order No. 7 to the Contract (R2007-1217) with Catalfumo Construction, Ltd., decreasing the Guaranteed Maximum Price (GMP) for Palm Tran's West Palm Beach Intermodal Transit Facility by \$250,312.77. **SUMMARY:** The new Intermodal Transfer System was completed and opened to the public in May 2009. There is \$250,312.77 remaining in the contract contingency that will be returned to Palm Tran. Change Order No. 7 accomplishes that reduction. The Small Business Enterprise (SBE) participation goal is 15% and the final SBE participation is 17.78%. The unused funds from this project will be released from encumbrance and reallocated to the Palm Tran Grant Fund for use on other projects. (Capital Improvements Division) Countywide (JM)

4. **Staff recommends motion to approve:** Amendment No. 5 to the contract with Catalfumo Construction Ltd. (R2007-1217) in the amount of \$236,638.81 for construction management services for the 2300 Building air conditioning improvements. **SUMMARY:** Amendment No. 5 will provide for a Guaranteed Maximum Price (GMP) to furnish and install four (4) ductless mini split air conditioning systems for supplemental cooling for the security control room and two computer rooms and adding a Variable Air Volume (VAV) unit for a multi-media room to provide off-hours air conditioning that is independent of the building's cooling system when it is in the weekend or evening modes. This condition was only discovered well after the building was occupied. The original construction contract with Catalfumo has been closed out necessitating the work be done under this annual agreement. Project funding is from the Public Building impact Fees, Public Building Improvement Fund and 94.3M NAV '03 Bond. Catalfumo is a local firm using all Palm Beach County subcontractors. The Small Business Enterprise (SBE) goal for this project is 15%. Catalfumo Construction will be providing 63% SBE participation in this Amendment. The duration of this work is 90 calendar days. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement (R2001-2103) with the Town of Highland Beach (Town) for direct access to the County's 800MHz radio system. **SUMMARY:** The Agreement which provides the terms and conditions under which the Town can directly access the County's 800MHz radio system expired on December 4, 2009. The Agreement provides for two (2) – four (4) year renewals but renewals require approval by both parties. The Town has approved a renewal to extend the term of the Agreement until December 3, 2013 and exercises the last of the renewal options. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to County departments. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (ESS) Countywide (JM)

6. Staff recommends motion to approve: a Declaration of Easement in favor of the Palm Beach County Water Utilities Department for a water main servicing Fire Rescue Station No. 21 in Loxahatchee Groves. **SUMMARY:** The Palm Beach County Water Utilities Department installed an underground water main and a fire hydrant at Fire Rescue Station No. 21, located at 14200 Okeechobee Boulevard, between Royal Palm Beach Boulevard and Seminole Pratt-Whitney Road in the Town of Loxahatchee Groves. An Easement is needed to protect the constructed water main. Except for an above-ground fire hydrant, all improvements associated with this Easement are located underground. The Easement area is approximately 225.79 feet long and 20 feet wide and contains 4,375 square feet (0.10 acres) and is located in the northeastern portion of the site. The Declaration of Easement will be recorded to provide notice of the existence and location of the water line. (PREM) District 6 (HJF)

7. Staff recommends motion to approve: an Interlocal Agreement with the City of Pahokee (City) to provide fuel management services. **SUMMARY:** This Agreement establishes a mechanism by which the County will provide fuel management services to the City, and establishes the billing structure and procedures for the annual update of fees. The County does not require any additional staffing and/or equipment to implement this Agreement, and as such, this Agreement will result in increased revenues to Fleet Management. The term of the Agreement is five (5) years with one (1) – five (5) year renewal option. The Agreement may be terminated by either party for any reason with notice. (FDO Admin) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to:

A) approve an Agreement for Purchase and Sale (Agreement) with Midway Foundation, Inc. (Midway), a Florida corporation, to acquire 2.53 acres of vacant land in the City of Pahokee (City) for \$134,090; and

B) accept a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement.

SUMMARY: This Agreement is for the County's purchase of 2.53 acres of vacant land located on South Lake Avenue in Pahokee. The property will be used for the construction of Fire Rescue Station No. 72 which will replace the fire station currently being leased from the City. Staff's preliminary due diligence review of the property supports the proposed fire station use. An extensive review of the site will be completed during the inspection period. Staff obtained an appraisal which valued the property at \$139,150 (\$55,000/acre); however, Staff was able to negotiate a purchase price of \$134,090 (\$53,000/acre). This Agreement requires Midway to grant a drainage and a utility easement to the County across a portion of Midway's adjacent property either at closing or post closing, if needed. The Agreement contains a forty-five (45) day inspection period to complete further due diligence. The County's obligation to close is contingent upon the County obtaining all required development approvals within 180 days. In the event development approvals are not obtained during this period of time, the County has the right to terminate the Agreement. (PREM) District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:

A) an Amendment to the Loan Agreement (R2004-0844) with Thirteenth Street Industrial Park, Inc (TSIP) to extend the job creation date from January 2009 to January 2012 to create 70 full-time equivalent jobs;

B) an Amendment to the Promissory Note for Acquisition Loan changing the effective date of the interest rate of the Note from "in effect July 1, 2004" to seven (7) days prior to the payment due date each month; and

C) an Amendment to the Promissory Note for equipment purchase changing the effective date of the interest rate of the Note from "in effect July 1, 2004" to seven (7) days prior to the payment due date each month.

SUMMARY: The Amendment to the Loan Agreement provides for an extension of three (3) years to the term of the existing Agreement to enable TSIP to create 70 full-time equivalent (FTE) jobs. The last monitoring of the company's facility, conducted in June 2009 revealed that only 45 FTE jobs were created. Due to challenging economic conditions, TSIP requested a time extension to January 2012 to create the required 70 FTE jobs. The Amendments to the Promissory Note for property acquisition and the Promissory Note for equipment purchase will clarify the method of calculating the interest on the loans and ensure that the wording on the Notes is consistent with both the County's and the Borrower's interpretation. The Amendments will ensure that the interest rate charged each month will be the six (6) month London Interbank Offered Rate published seven (7) days prior to the payment due date (which is the first day of each month) plus one percent (1%). **These are Federal Section 108 Loan funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: an Agreement with Housing Partnership, Inc. in the amount of \$144,863 in Federal HOME funds to provide homeownership opportunities for very-low and low income families from November 17, 2009, through July 31, 2010. **SUMMARY:** Approval of this agenda item will reserve funding for Housing Partnership, Inc., a Community Housing Development Organization (CHDO), to continue providing homeownership opportunities for lower income families. The allocation of funds being reserved, represent the remaining balance of Housing Partnership's previous allocation approved by the Board of County Commissioners on October 16, 2007 (R2007-1819) and as amended on July 22, 2008 (R2008-1312). Approval of this agenda item will permit Housing Partnership, Inc. to utilize the remaining balance of their CHDO set-aside funding to provide additional homeownership opportunities to very low and low-income first-time homebuyers. **This Agreement provides Federal HOME funds whose local matching requirements are achieved through Local Housing Finance Authority. Countywide (TKF)**

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2009-0209) with Seagull Industries for the Disabled, Inc. (Seagull), to modify the project scope and to extend the expiration date from December 31, 2009, through October 31, 2010. **SUMMARY:** The County entered into an Agreement with Seagull on February 3, 2009 (R2009-0209), allocating \$150,000 in Community Development Block Grant funds for renovation of their facility. Since execution of the original Agreement which anticipated renovation work to be done on their staff offices, Seagull has advised that they would rather use the \$150,000 allocated to them for the renovation of the areas of their building used by their clients and the public. This Amendment modifies the scope of the project accordingly. The facility is located at 3879 West Industrial Way in Riviera Beach. The time extension will enable the modified scope of work to be implemented. **These are Federal Community Development Block Grant funds that require no local match. District 1 (TKF)**

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** seven (7) original documents for the Department of Environmental Resources Management:

A) First Amendment to Grant Agreement (R2009-0114) (January 13, 2009) with Metropolitan Planning Organization (MPO) to extend the completion date for the countywide water taxi transit facilities at its Juno Dunes Public Use Facility to December 31, 2009;

B) Second Amendment to Grant Agreement (R2009-0114) (January 13, 2009) with Metropolitan Planning Organization (MPO) states that the water taxi transit facilities will be open and in use by March 31, 2011. All invoices for reimbursement of work completed shall be submitted to the MPO on or before December 31, 2010;

C) First Amendment to Grant Agreement (R2008-1507) (September 9, 2008) with MPO for additional time to complete the constructions and installation of a water taxi docking facility at the Snook Island Dock;

D) First Amendment extends the Interlocal Agreement (R2005-2074) (October 18, 2005) for Dune Restoration with the Town of Lantana upon coastal property owned by the Town of Lantana through May 1, 2011;

E) Murphy Construction Company Purchase Order for South Cove Turbidity Pilings Project Number 2009ERM06;

F) Acceptance of a Purchase Order from US Department of Interior for invasive plant control at Jupiter Inlet Lighthouse Outstanding Natural Area; and

G) Amendment Number 2 to the Contract with Loggerhead Marinelifelife Center, Inc. for Professional Services to extend the time period from October 1, 2009, through November 30, 2009 for daily nesting sea turtle surveys.

SUMMARY: This is a Receive and File item for the Clerk's Office to note and receive delegated authority items according to County Policy and Procedure PPM No. CW-O-051. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) Amendment No. 3 to Grant Agreement No. 06PB2 with the Florida Department of Environmental Protection (FDEP) for increased cost-sharing on the Singer Island Shore Protection Project up to a revised grant amount from \$7,285,395 to \$9,535,395 and extends the agreement to June 1, 2012; and

B) Budget Amendment of \$2,250,000 to recognize the revenue increase in the Beach Improvement Fund.

SUMMARY: The Florida Legislature authorized funding through the FDEP to provide assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. DEP Grant Agreement No. 06PB2 was executed by the BCC on January 9, 2007 (R2007-0046) for cost share of the design and permitting of the Singer Island Erosion Shore Protection Project (up to \$270,431). Amendment No. 1, executed on May 13, 2008, extended the Agreement until June 1, 2010. Amendment No. 2, executed on December 2, 2008, authorized FDEP to reimburse the County an additional \$7,014,964 for design, permitting, construction and monitoring costs on the Singer Island Shore Protection Project. Amendment No. 3 authorizes FDEP to reimburse the County an additional \$2,250,000 (up to \$9,535,395) for design, permitting, construction and monitoring costs on the Singer Island Erosion Control Project and extends the Agreement expiration date through June 1, 2012. Local matching funds of \$3,382,745 (60.055%) are required for Amendment No. 3, of which the County's share is funded from a combination of tourist development tax, interest, and FEMA reimbursements (a non-ad valorem source). The City of Riviera Beach has executed an Interlocal Agreement for 20% of eligible project costs. Grant reimbursement is retroactive to January 1, 2005. District 1 (SF)

3. **Staff recommends motion to:**

A) approve a Contract (S0485) with the Florida Department of Environmental Protection (FDEP) for the County to perform contamination cleanup activities in accordance with the Petroleum Contamination Site Cleanup Program (PCSCP) effective upon execution until June 30, 2015; and

B) authorize the County Administrator, or his designee, to sign all future task assignments, change orders to task assignments, settlement agreements, certifications, and other forms associated with this contract, and necessary minor amendments that do not change the scope of work or terms and conditions of this contract.

SUMMARY: On June 19, 2001, the BCC approved a contract (R2001-941) with FDEP authorizing the County to perform PCSCP activities in Palm Beach County on behalf of the State. The existing contract expires on December 31, 2009. Under Contract S0485, the County, through the Department of Environmental Resources Management, will continue administering the PCSCP upon execution or January 1, 2010 (whichever date is later) through June 30, 2015. On an annual or semi-annual basis, the FDEP will issue task assignments to the County for specific job tasks necessary to carry out cleanup services at the local level. Countywide (SF)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) receive and file a Grant from the Florida Department of Law Enforcement (FDLE) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State Solicitation for Palm Beach Community College (PBCC), Criminal Justice Institute, firing range training improvements (R2009-1315);

B) approve an Interlocal Agreement with PBCC for \$5,910 to purchase equipment for their Firing Range Enhancement Project from October 1, 2009, to September 30, 2010; and

C) approve a Budget Amendment of \$5,910 in the General Fund to establish budget for the project.

SUMMARY: The Criminal Justice Institute at PBCC is the certified training center for Region XII which encompasses all of Palm Beach County. Presently, the college is constructing a new 24 target indoor shooting range to service their basic recruit training programs as well as their advanced and specialized training programs offered to all Palm Beach County Law Enforcement agencies. The grant application was executed by the Board of County Commissioners on August 18, 2009 as Resolution R2009-1315. There is no match requirement for JAG funds. Countywide (DW)

2. Staff recommends motion to:

A) receive and file a Recovery Act Edward Byrne Memorial Justice Assistance Grant of \$400,000 for the West Palm Beach Community Justice Service Center;

B) approve a Contract with the Professional Training Association Corporation, Inc. (PTA), a not-for-profit agency, for an amount not to exceed \$33,000 for the period of October 1, 2009, through September 30, 2010, for the provision of substance abuse treatment services;

C) approve a Contract with the Comprehensive Alcoholism Rehabilitation Program, Inc. (CARP), a not-for-profit agency, for an amount not to exceed \$25,000 for the period of October 1, 2009, through September 30, 2010, for the provision of substance abuse treatment services;

D) approve a Contract with the Drug Abuse Foundation, Inc. (DAF), a not-for-profit agency, for an amount not to exceed \$125,000 for the period of October 1, 2009, through September 30, 2010, for the provision of substance abuse treatment services;

E) approve a Budget Transfer of \$40,000 in the Drug Abuse Trust Fund (DATF) from reserves to transfers; and

F) approve a Budget Amendment of \$40,000 in the General Fund to supplement funding for the program.

SUMMARY: The Criminal Justice Commission is requesting the use of a total not to exceed \$96,000 from the federal FY '09 Edward Byrne Memorial Justice Assistance Grant (JAG), and \$87,000 from the DATF to be used to pay for contracted substance abuse treatment referrals from the Community Justice Service Centers (previously known as Community Court). Services will be provided by PTA, CARP and DAF for both Community Justice Service Center (CJSC) sites. The CJSC is a court and jail diversion program. The grant application was executed by the Board of County Commissioners on June 2, 2009 as Resolution R2009-0938. There is no match requirement for JAG funds. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to:

A) receive and file a Recovery Act Edward Byrne Memorial Justice Assistance Grant of \$180,000 for the Community Based Anti-Crime Task Force (COMBAT) Program;

B) approve the Eleventh Amendment to the Agreement (R99-2416D; dated December 21, 1999) with the Office of the State Attorney for the COMBAT Unit to extend the agreement from October 1, 2009, through September 30, 2010, and provide FY 2010 funding of \$240,000 (\$180,000 from Edward Byrne Memorial Justice Assistance Grant (JAG) funds and \$60,000 from the 07/11 JAG Local Law Enforcement Block Grant); and

C) approve a Budget Transfer of \$60,000 in the Local Law Enforcement Block Grant – American Recovery and Reinvestment Act Fund from operating reserves to establish funding for this program.

SUMMARY: An Amendment to the agreement with the State Attorney's Office is required for legal services in order to continue to assign four (4) prosecutors to the COMBAT Unit serving three (3) County Weed and Seed areas and for the Youth Violence Prevention and Gang Initiative. The grant application was executed by the Board of County Commissioners on June 2, 2009 as Resolution R2009-0935. There is no match requirement for JAG funds. Countywide (DW)

S. FIRE RESCUE

1. Staff recommends motion to approve: an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the City of Riviera Beach. **SUMMARY:** In an effort to enhance the provision of fire-rescue services, the Board of County Commissioners authorized the Fire Rescue Department to provide countywide communications services effective June 1, 2005. This Agreement provides for contractual commitment for dispatch services to the City of Riviera Beach (City) as part of the Countywide Common Dispatch Program along with providing the mechanism for implementing mutual assistance/automatic aid (closest unit response). This Agreement further authorizes the parties' respective Fire Chiefs to enter into Letter(s) of Understanding to develop automatic aid/closest unit response plans and procedures. This Agreement takes effect upon execution and expires September 30, 2019. Upon execution, this Agreement shall terminate the existing Emergency Services Agreement for Mutual Assistance and Automatic Aid between the parties (R2009-1534). Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to:

A) approve Amendment No. 8 to extend the term of the contract with Metatomix, Inc. (R2004-2414) for Phase II for one (1) year to December 31, 2010 at no additional cost; and

B) receive and file Task Orders No. 7 paid by the Sheriff's Office to Metatomix for professional services in the amount of \$13,500 to port the Law Enforcement Exchange (LEX) System to a new hardware environment and Task Order No. 8 in the amount of \$61,620 for annual software maintenance.

SUMMARY: Palm Beach County ISS and Metatomix, Inc., a Massachusetts company, have been working to complete Phase II of the Visual Planning Technologies/LEX Project to integrate disparate law enforcement information systems in order to enable the sharing of crime-related information among the agencies. This phase includes establishing a production environment, connecting additional Palm Beach County law enforcement agencies, programming additional application functionality, completing items from Phase I and providing resources as required for completing the work. Additional Phase II work to connect to other law enforcement data sources and/or integration with other systems are to be detailed as required and authorized via Task Orders under this contract. The contract extension is necessary to coordinate between the various agencies to accomplish work identified in Change Order No. 2. In addition, Task Order No. 7 (\$13,500) for Metatomix services paid by the Sheriff's Office, and Task Order No. 8 (\$61,620) for software maintenance were less than \$100,000 and authorized by the Director of ISS. Countywide (PK)

X. PUBLIC SAFETY

1. **DELETED**

2. Staff recommends motion to receive and file: an executed Contract with Palm Beach Medical Society Services to provide \$50,000 from September 22, 2009, through May 31, 2011 to provide 900 Anti-viral Treatment Unit Courses and related equipment as approved by the Urban Area Security Initiative (UASI) grant. **SUMMARY:** The County was awarded \$451,337 from the US Department of Homeland Security 2008 Grant through the Fort Lauderdale UASI. Two (2) projects totaling \$100,000 were awarded to the Palm Beach Medical Services Society as part of the total 2008 UASI Grant funding. This Contract provides the mechanism to establish the grant award for \$50,000 associated with the first of the two (2) projects to Palm Beach Medical Society Services. Resolution R2006-2669 approved by the Board of County Commissioners on December 05, 2006 authorized the County Administrator or his designee to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to:

A) receive and file the executed grant Contract with State of Florida, Department of Health (DOH) to receive \$40,470 for therapy services to victims in the County for the period of October 1, 2009, to September 30, 2012; and

B) approve a Budget Amendment of \$13,490 in the General Fund to establish grant budget.

SUMMARY: This State grant will reimburse Palm Beach County Division of Victim Services for therapy services provided to sexual assault victims over the age of 12 years in the County. Funds will be used to supplement its operations budget. Resolution R2007-0333 authorizes the County Administrator or his designee to execute certain DOH grant agreements on behalf of the County. **No cash match is required by the grant.** Countywide (GB)

BB. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office an Agreement with the Area Agency on Aging Palm Beach/Treasure Coast, Inc., in the amount of \$10,200, for the Elderly Abuse Training Project FY 2010 for the period of October 1, 2009, to September 30, 2010; and

B) approve a Budget Amendment of \$10,200 in the Sheriff's Grant Fund.

SUMMARY: The Area Agency on Aging Palm Beach/Treasure Coast, Inc. received an award from the United States Department of Justice, Office on Violence Against Women to create a universal, coordinated, countywide response through enhanced training and strengthened partnerships to address violence and abuse against women in later life. The Palm Beach County Sheriff's Office and the Area on Aging Palm Beach County/Treasure Coast, Inc. entered into an agreement to create a local community-based program developed to assist law enforcement, prosecutors, investigators, and judges in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation of women who are 50 years of age or older. Under this Agreement, the Palm Beach County Sheriff's Office will receive quarterly payments in the amount of \$2,550 for training costs associated with the program. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

2. Staff recommends motion to receive and file: Grant Adjustment Notice extending the National Institute of Justice (NIJ) "Solving Cold Cases with DNA Program" FY 2007 Grant from June 30, 2009, to June 30, 2010. **SUMMARY:** The Board of County Commissioners accepted this grant for \$176,235 on November 20, 2007; the original period for this grant was January 1, 2008, through June 30, 2009 (R2007-2111). This agenda item will extend the grant period from June 30, 2009, to June 30, 2010. The Palm Beach County Sheriff's Office (PBSO) received this award for the Solving Cold Cases with DNA Program. The objective of this grant is to combine the efforts of the PBSO Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit with the Violent Crimes Bureau in conjunction with the experience of the Serology/DNA Section of the Crime Laboratory to solve Cold Cases. These funds, which have been approved by NIJ, will be used to pay overtime, consulting fees and for the purchase of laboratory supplies. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office an Agreement with the Port of Palm Beach District for reimbursement of infrastructure protection activities, in the amount of \$510,602, associated with the Port of Palm Beach District's Vessel – Prevention/Detection Project for the period of October 22, 2009, to May 31, 2012; and

B) approve a Budget Amendment of \$510,602 in the Sheriff's Grant Fund.

SUMMARY: The Port of Palm Beach District received an award from the United States Department of Homeland Security FY2009 Port Security Grant to continue funding the Port of Palm Beach District's (PORT) Vessels – Prevention/Detection Project. On October 22, 2009 the Palm Beach County Sheriff's Office and the PORT entered into an agreement to expend the Port Security Grant Program funding in providing security service to the PORT. The objective of the project is to create a sustainable, risk-based effort for the protection of critical port infrastructure from terrorism, especially explosives and non-conventional threats that would cause major disruption to commerce and significant loss of life. Under this agreement, the Palm Beach County Sheriff's Office will receive \$510,602 in reimbursable funds for capital expenses associated with the project. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

4. Staff recommends motion to approve: the return of \$19,296 in unexpended Drug Control/Money Laundering Investigation grant funds and accrued interest to the Florida Department of Law Enforcement. **SUMMARY:** On June 3, 2003, the Palm Beach County Sheriff's Office (PBSO) was awarded a FY03 Drug Control/Money Laundering Investigation grant by the Florida Department of Law Enforcement (FDLE), Violent Crime & Drug Control Council, for the period of April 2, 2003 through the completion of the investigation. PBSO concluded its investigation due to operational issues. FDLE disbursed funding in advance and requires the return of unexpended grant funds at the end of the grant period. Countywide (DW)

5. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a National Institute of Justice FY 2009 Forensic DNA Unit Efficiency Improvement Program Grant in the amount of \$519,544 for the period October 1, 2009, through March 31, 2011; and

B) approve a Budget Amendment of \$519,544 in the Sheriff's Grant Fund.

SUMMARY: On September 23, 2009, the Palm Beach County Sheriff's Office (PBSO) received an award for the Forensic DNA Unit Efficiency Improvement Program. These funds will be used to for an evidence screening laboratory to improve the capacity and efficiency of the Forensic Biology Unit (FBU) of PBSO. The screening laboratory will be developed through renovation of existing space in the Boca Raton Police Services Department in which trained Laboratory Analyst will screen and process crime scene items before submission to the FBU. The Boca Raton Police Services Department will provide the required 25% match requirement associated with this award. No additional positions are needed and no additional County funds are required Countywide (DW)

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4. PUBLIC HEARINGS - 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire/Rescue MSTU (Municipal Service Taxing Unit) to include the Town of South Palm Beach; providing for effectiveness; providing for opt-out procedures; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides fire-rescue services to the Town of South Palm Beach (Town) through an Interlocal Agreement (R2004-0363), at a rate established by the Agreement. The Town now desires to opt into the Fire/Rescue MSTU as a method to receive and pay for fire-rescue services from the County. This Ordinance will amend the boundaries of the Fire /Rescue MSTU to include the properties within the municipal boundaries of the Town. Inclusion of the Town in the Fire/Rescue MSTU will not change the amount of revenue received from the Town for fire-rescue services. Countywide (SB)
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for title; creating and establishing the Palm Beach County Office of Inspector General; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Office of Inspector General. Countywide (LB)
- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the Palm Beach County Commission on Ethics; providing for creation and jurisdiction; providing for membership qualifications, terms and vacancy; providing for applicability of the Code of Ethics; providing for organization of the Commission on Ethics; providing for powers and duties; providing for financial support; providing for procedure on complaints filed; providing for public hearing procedures; providing for notification and referral to other authorities; providing for dismissal of complaints; providing for frivolous or groundless complaints; providing for effect on other laws; providing for prospective jurisdiction; providing for personnel proceeding; providing for statute of limitations; providing for advisory opinion; providing for appeals; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Commission on Ethics. Countywide (LB)

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, creating the Palm Beach County Code of Ethics; providing for title; providing for definitions; prohibiting certain conflicts of interest and creating voting conflict standards; providing for a gift law; providing anti-nepotism law; providing for training; providing for non-interference; providing for administration, enforcement, and penalties; amending the Palm Beach County Lobbyist Registration Ordinance, Palm Beach County Code, Chapter 2, Article VIII (Codifying Ordinances 2003-018 and 2003-055); amending Section 2-353 concerning registration form and requirements; amending Section 2-355 Code of Silence; amending Section 2-356 Enforcement; amending Section 2-357 Penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Code of Ethics. Countywide (LB)

E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance, Chapter 22, Article VI of the Palm Beach County Code; providing for definitions; providing for supermajority vote; providing for creation of a Property Review Committee; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** On December 1, 2009, the Board approved this Amendment on preliminary reading to advertise for public hearing. The Amendment amends the Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance (the "PREM Ordinance") codified in Chapter 22, Article VI of the Palm Beach County Code in order to implement recommendations made by the Palm Beach County Grand Jury. The Amendment adds a provision to the PREM Ordinance requiring that all purchases (including eminent domain), sales and exchanges of real property, other than internal interdepartmental transactions and those pursuant to delegated authority, which do not require Board action, be approved by a supermajority (5) vote of the Board. The Amendment also adds a provision requiring the County to establish a "Property Review Committee" ("PRC") within sixty (60) days to review, evaluate and advise the Board regarding real estate transactions involving the purchase (including eminent domain), sale or exchange of real property when such transactions are based on appraisals utilizing hypothetical conditions or extraordinary assumptions, are based upon appraisals assuming change of land use, comprehensive plan amendment or concurrency other than that which currently exists, are transactions in which the price varies from the appraised value by more than 10%, or is an exchange of real property in which the value of the property to be conveyed or received by County plus any additional consideration to be paid or received by County exceeds \$250,000. Transactions for less than \$250,000, transactions subject to Federal Aviation Administration ("FAA") review or audit other than off airport transactions for non airport purposes, transactions pursuant to the Conservation Lands Protection Ordinance and intergovernmental transactions are excluded from the PRC review requirement. Countywide (HJF)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) waiver of the competitive solicitation process for professional services, upon recommendation of the County Administrator, based on Kathleen Owens' expertise and familiarity with fire-rescue level of service and communication/dispatch system issues in Palm Beach County; and

B) a Consulting/Professional Services Agreement with Kathleen Owens relating to implementing a fire-rescue level of service and common communication/dispatch system. This Agreement is for 12 months commencing January 1, 2010, with the option of one (1) yearly renewal/extension, in an amount not to exceed \$8,000.

SUMMARY: The Fire Rescue Level of Service Committee has made significant progress, but there are still several tasks that have not yet been completed. Key among these issues is the analyzing emergency response time data and monitoring compliance with adopted policies and procedures. The Fire Rescue Level of Service Committee is recommending Ms. Owens' Agreement to assist with the finalization of these final important tasks. Ms. Owens has an expertise and familiarity with fire-rescue level of service and communication/dispatch system issues in Palm Beach County and has assisted the Fire Rescue Level of Service Committee since its inception. Due to Ms. Owens' expertise and familiarity with the issues, the County Administrator is recommending that the competitive selection process for professional services be waived, as authorized by Section 2-54(h) of the Palm Beach County Purchasing Code. Countywide (SB)

2. Staff recommends motion to approve: the creation of a one (1) time-limited

Economic Development (Energy) Specialist position (pay grade 35) within the Office of Economic Development (EDO) to terminate upon the exhaustion of Federal Energy Grant Funds appropriated through the American Reinvestment and Recovery Act (ARRA) of 2009. **SUMMARY:** The one (1) time-limited Economic Development (Energy) Specialist position will be required to assist in the technical and administrative work connected with the formula-based award totaling \$6,587,600 granted to Palm Beach County as a result of Federal funds appropriated under the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program. This position will terminate upon the exhaustion of Federal funds appropriated under the Department of Energy on August 30, 2012. The specific tasks to be undertaken by the Economic Development (Energy) Specialist under this grant and any other subsequent grants received include: ensuring that businesses and governmental entities receiving Department of Energy assistance through Palm Beach County comply with all federal and county requirements and guidelines; tracking number of jobs created/retained; preparing and monitoring of contracts; review of invoices; measuring energy savings; tracking of expenditures for eligible items; implementing multimedia educational program for public outreach; and identifying future funding and grant opportunities to continue the energy efficiency and conservation activities. An amount totaling \$437,600 was budgeted under the EECBG award to cover three (3) years of program administration, inclusive of salaries, benefits and related costs associated with the position. **These are Federal funds that require no local match.** Countywide (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to:

A) adopt a Resolution supporting Signature HealthCARE, LLC. (Signature) for Florida's Qualified Target Industry (QTI) Tax Refund Program;

B) approve the Job Growth Incentive (JGI) Grant Agreement, as the required 20% QTI local match, with Signature in the amount of \$30,000 for the creation of 50 jobs with an average salary including benefits of \$49,946 and retention of 96 existing jobs in Palm Beach County;

C) approve a Budget Transfer of \$30,000 from the General Fund Contingency Reserve to the Economic Development Job Growth Incentive Fund (JGI); and

D) approve a Budget Amendment of \$30,000 to the Economic Development Office fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserve.

SUMMARY: Signature's headquarters in Palm Beach Gardens is the base for the executive leadership and functional departments that support 66 skilled nursing facilities providing long-term care nursing services throughout the southeastern United States. The JGI Agreement requires the company to create 50 new jobs by December 31, 2013, with an average salary of \$49,946 including benefits; and maintain the 50 new jobs and 96 existing jobs through December 31, 2015. The JGI grant is recommended at \$600 per job created or \$30,000. Signature's investment in our local economy is expected to produce total economic impacts from direct, indirect and induced dollars as follows: \$51 million in output, \$13 million in wages, and \$1.3 million in taxes. Under the QTI Tax Refund program application with Enterprise Florida, it is anticipated that the State will award up to \$150,000. The QTI requires a 20% local match or \$30,000. The 20% match will be achieved using the JGI grant. Funds are not allocated in the current budget for JGI. The BCC directed Staff to bring qualified companies to the BCC for consideration. Florida is competing with Kentucky and Tennessee for Signature headquarter expansion. Signature's expansion involves an approximate \$9.9 million land/building purchase. District 1 (DW)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2009-0472; approving revisions to the Investment Policy for Surplus County Funds; and providing for an effective date. **SUMMARY:** On October 29, 2009, the Investment Policy Committee recommended several revisions to the County's Investment Policy for consistency within the Policy. Those revisions include: investments in bankers' acceptances are limited to 15% of the market value of the total portfolio at the time of purchase; investments in commercial paper are limited to 15% of the market value of the total portfolio, with no more than 2% of that market value invested with any single issuer; investments in all corporate securities are limited to 20% of the market value (excluding commercial paper) of the total investment portfolio at the time of purchase; loaned securities must be collateralized at all times by cash with a value of at least 102% of the market value of the securities loaned; investments in collateralized mortgage obligations (CMOs) are limited to 20% of the market value of the total portfolio; and CMOs issued by either the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association are further limited to a combined maximum of 10% of the market value of the total portfolio at the time of purchase. At a later special meeting, the Investment Policy Committee recommended that Section VI, A12 of the Investment Policy should be revised to extend the maximum maturity of eligible State of Israel securities from two (2) years to three (3) years. Countywide (PFK)

5. REGULAR AGENDA

C. FIRE RESCUE

1. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of South Palm Beach. This First Amendment shall take effect on October 1, 2010. **SUMMARY:** The County currently provides fire protection and emergency medical services to the Town of South Palm Beach (Town) through an Interlocal Agreement (R2004-0363), at a rate established by the Agreement. On October 27, 2009, the Town adopted an Ordinance to include the Town within the County's Fire/Rescue MSTU (Municipal Service Taxing Unit) as a method to receive and pay for fire-rescue services from the County for a ten (10) year period commencing October 1, 2010, subject to the Board's approval of an Ordinance accepting the Town (which Ordinance is also before the Board for consideration at this same meeting). This First Amendment reflects the Town's participation in the Fire/Rescue MSTU and shall become a part of the Interlocal Agreement. Countywide (SB)

D. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a waiver to exceed the \$10,000 per home limit for lead-based paint related costs by authorizing \$5,047.11 in additional funds for Thomas Hankerson, of Belle Glade, under the Residential Rehabilitation Program. **SUMMARY:** On November 6, 2007, the Board of County Commissioners (BCC) authorized the expenditure of up to \$10,000 per home for lead-based paint related costs in connection with the rehabilitation of homes undertaken under the Residential Rehabilitation Program. An inspection of Mr. Hankerson's home has revealed the presence of lead-based paint. Bids have been received for the rehabilitation of this applicant's home and for the removal of lead-based paint hazards. The rehabilitation costs are within the \$35,000 applicable limit allowed under the policies for the Residential Rehabilitation Program. However, the costs related to the removal of lead-based paint hazards totaling \$15,047.11, have exceeded the BCC authorized \$10,000 limit. A waiver to applicable policies authorizing an additional \$5,047.11 is necessary in order to enable the implementation of this project. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

E. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff requests Board direction:** on the Request for Proposal (RFP) for the disposal of certain real estate interests on the Wedge property within the West Palm Beach Transit Oriented Development (TOD) District. **SUMMARY:** On November 17, 2009, the Board requested that County Staff schedule the recommended draft of the completed RFP for review prior to advertisement. The draft RFP has been circulated to all partners and County Staff has incorporated comments made. The three (3) areas that County staff believes the Board should focus its attention on are: 1) the incorporation of a requirement for workforce and/or affordable housing, 2) the scope of the Financial Feasibility and Market Approach Analysis included in the Phase 1 submittal; and 3) the weighting of selection criteria in both RFP phases. If the RFP is approved for advertisement, the RFP would be advertised on January 10th and 17th, 2010. (Admin) Countywide (HJF)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff requests Board direction: regarding a Request from Shiraz, Inc. (Shiraz), the operator of the Airport Center Hilton Hotel (Hotel) (R92-471), for an extension of the time-frame in which to complete an expansion of the Hotel's meeting room facilities. **SUMMARY:** The County owns approximately 36 acres at the intersection of Australian Avenue and Southern Boulevard, known as Airport Centre. There are two (2) County office buildings and the Hilton Hotel on the property. The County leases the land underlying the Hilton Hotel to Shiraz pursuant to a Lease Agreement approved by the Board March 1992 (R92-471). The term of the Lease extends until 2035, with an additional 15 years of extension options. In total, the Lease could be extended until 2050. As part of a settlement of the condemnation case filed by the Florida Department of Transportation over the right-of-way taking for Southern Boulevard, and apportionment of the \$2,135,000 condemnation award, the County entered into Amendments to the Lease (R2006-0273 and R2007-1313) pursuant to which the County sold Shiraz the former records storage building at a \$300,000 discount and agreed to extend Shiraz's Lease for five (5) years upon the condition that Shiraz complete construction of an expansion of the meeting facilities at the Hotel by December 13, 2009. Due to various changes in Unified Land Development Code (ULDC) requirements since the Hotel was built, and zoning conditions imposed upon the County's renovation/development of the office buildings, Shiraz was forced to seek more complicated development approvals for its expansion than were required for the original construction of the Hotel. As a result of this more complicated process, which Shiraz claims is inconsistent with a representation in the Lease regarding zoning, Shiraz is seeking an 18 month extension of the time-frame in which to complete its improvements. Based upon the 18 month time-frame for construction of the improvements requested by Shiraz and the time which Shiraz first started its efforts on the expansion in July of 2008, it is Staff's opinion that Shiraz would not have been able to meet the deadline for completion of construction even without any delay. While Shiraz is arguably due some extension of time, the question is how much? Staff believes that six (6) months is a reasonable amount of time as a result of the County's actions associated with the ULDC changes and prior development approvals. However, a six (6) month extension will not accomplish Shiraz's objective of obtaining the five (5) year Lease extension. There is a long history of Shiraz seeking further extensions of its Lease in exchange for anything that the County has asked of Shiraz, and Staff does not recommend giving Shiraz more than a six (6) month extension without some compensation. Shiraz has also inquired as to whether the County would be interested in selling the County's interest in the entire Airport Center Complex. The County has a long-term need for the existing buildings and future office space, and Staff is proposing to assign the County's Lease of the Hotel to the Department of Airports in exchange for Airport property on Gun Club Road which is needed for PBSO expansion. As such, Staff does not support a sale of the property. Further, Staff would recommend that any proposed sale utilize a competitive bid process. (PREM) District 2 (HJF)

5. REGULAR AGENDA

F. PUBLIC SAFETY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on January 12, 2010 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article VII (Ordinance No. 2005-009); to be known as the Palm Beach County Towtruck Ordinance; providing for a title; providing for definitions; providing for towtruck class specifications; providing for required operating permit; providing for new applications/renewals and issuance of towing operating permit and fees; providing for inspection of storage yards and public offices; providing for insurance requirements, providing for towtruck registration, standards and decals; providing for inspection procedures and requirements; providing for non-consent manifest, towing invoice or tow sheet; providing for advertisements; providing for records requirements; providing for an operating permit required to do business with the county; providing for non-consent towing with prior express instruction of real property owner or authorized agent and/or law enforcement agency; providing for notice requirements for non-consent tow services at request of real property owners; providing for non-consent towtruck company requirements; providing for consent-only towtruck company requirements; providing for maximum non-consent towing and storages rates for non-consent tow services; providing for towtruck driver requirements and failure to comply; providing for fraudulent transfer of towtruck companies; providing for deceptive and unfair trade practices, providing for cease and desist orders, providing for assurances of voluntary compliance; providing for enforcement and civil/criminal penalties; providing for administrative enforcement, denial, revocation and suspension of operating permits; providing for additional penalties; providing for hearings and appeals; providing for scope; providing for repeal of laws in conflict; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; providing for severability; and providing for an effective date. **SUMMARY:** The two (2) main objectives of the proposed Ordinance revisions are: 1) require all towing companies in Palm Beach County to be licensed and meet minimum safety, insurance and operating rules; and 2) require all towtruck drivers to secure an I.D. Badge and pass a basic criminal and driving background check (similar to the requirements for vehicle-for-hire drivers). The proposed revisions also improve issues related to the existing towing Ordinance. Currently, only towing companies performing non-consent tows (police involved accidents or illegally parked vehicles) are required to be licensed. The revised Ordinance would return Palm Beach County to licensing requirements that were in place from 1992 – 2002 when all towing companies were required to be licensed. Towtruck drivers have considerable interaction with the public and often provide transportation for individuals whose inoperable vehicles must be towed. All of the proposed revisions involve public safety issues. Staff and an industry advisory committee have worked together in developing this proposal. One (1) additional part-time compliance officer position is needed to assist inspecting vehicles and providing follow-up to towing investigations during peak periods. A motion to include an additional part-time person to the towing budget will be included in the agenda at the public hearing for the Towing Ordinance. Countywide (GB)

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6. BOARD APPOINTMENTS

A. PLANNING, ZONING & BUILDING
(Zoning Commission)

1. [Staff recommends motion to approve:](#) appointment of two (2) out of the three (3) following nominees to the Zoning Commission (ZC) for the terms indicated below:

<u>Nominee</u>	<u>Requirement</u>	<u>Nominated by</u>	<u>Term</u>
Jose F. Jaramillo	Architect	AIA Palm Beach	12/15/09 to 02/07/12
Mark S. Beatty	Architect	AIA Palm Beach	12/15/09 to 02/07/12
Robert G. Currie	Architect	AIA Palm Beach	12/15/09 to 02/07/12

SUMMARY: The ZC Membership, Powers, and Duties are established by Ordinance 2003-067, as amended. The Board consists of nine (9) members appointed by the Board of County Commissioners (BCC). Each member of the BCC shall appoint one (1) District member to the ZC. The remaining two (2) members shall be appointed by a majority vote of the BCC and shall be architects registered in the State of Florida nominated by the Palm Beach County Chapter of the American Institute of Architects (AIA). These appointments are consistent with the Unified Land Development Code (ULDC) requirements, Article 17.C.13.C. Unincorporated (RB)

B. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 15, 2009

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR

B. District 2 - COMMISSIONER JEFF KOONS

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON, CHAIR

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

Proclamation in honor and memory of Hattie Ruth Keys Pompey, Educator, Activist, and Humanitarian.

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 15, 2009

<u>PAGE</u>	<u>ITEM</u>	
6	3C-4*	<u>REVISED MOTION:</u> Staff recommends motion to approve <u>subject to receipt of proper Workers Compensation insurance certificate:</u> A) a Reimbursement Agreement with New Urban Community Development Corporation and the City of West Palm Beach (City) in an amount not to exceed \$137,358 for The Townhouses at Henrietta; and...(Engineering)
17	3L-3	<u>DELETED:</u> Staff recommends motion to: A) approve a Contract (S0485) with the Florida Department of Environmental Protection (FDEP) for the County to perform contamination cleanup activities in accordance with the Petroleum Contamination Site Cleanup Program (PCSCP) effective upon execution until June 30, 2015; and....(ERM) (Signed Contract not received from FDEP)
22	3BB-4	<u>REVISED TITLE:</u> Staff recommends motion to approve: the return of \$19,296 <u>\$13,253</u> in unexpended Drug Control/Money Laundering Investigation grant funds and <u>\$6,043</u> in accrued interest to the Florida Department of Law Enforcement. (PBSO)
26	5A-3	<u>DELETED:</u> Staff recommends motion to: A) adopt a Resolution supporting Signature HealthCARE, LLC. (Signature) for Florida's Qualified Target Industry (QTI) Tax Refund Program;...(Admin/EDO) (Further staff review)
26	5A-4	<u>ADD-ON:</u> Staff recommends motion to approve: Amendment No. 3 to Agreement (R2007-1627), as amended, with Aramark Sports and Entertainment Services, Inc. to continue the provision of food and beverage operations services at the Palm Beach County Convention Center for six (6) months beginning January 1, 2010, through June 30, 2010. SUMMARY: This proposed Amendment extends the existing agreement for food and beverage operations services for the Convention Center beginning January 1, 2010, through June 30, 2010. All other terms and conditions of the R2007-1627 agreement, as amended, remain in effect. The extension is required to re-issue an RFP for food and beverage operations services for the Convention Center. <u>Countywide</u> (MC) (Admin)
26	5A-5	<u>ADD-ON:</u> Staff recommends motion to adopt: amendments to the Southeast Florida Regional Climate Change Compact providing for a coordinated climate change strategy with Broward, Miami-Dade, and Monroe Counties. SUMMARY: On December 1, 2009, the Board of County Commissioners adopted the Regional Climate Change Compact (R2009-2081). Subsequent to the December 1 st meeting, Broward and Miami-Dade Counties made minor changes to the Compact. The changes include the addition of nuclear energy to the suggested policy statement issues and the addition of language indicating that no county will work at cross-purpose with the other counties. Broward and Miami-Dade are now requesting that Palm Beach and Monroe Counties adopt the changes. <u>Countywide</u> (GB) (Admin)
27	5C-1	<u>DELETED:</u> Staff recommends motion to approve: a First Amendment to Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of South Palm Beach. This First Amendment shall take effect on October 1, 2010. (Fire Rescue) (Further staff review)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).